

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LEROY LAMONT WELLS,

Case No. 2:16-cv-01606-MA

Petitioner,

ORDER

v.

MARK NOOTH, Superintendent, Snake
River Correctional Institution,

Respondent.

MARSH, Judge.

On September 1, 2016, this Court issued an Order requiring Petitioner to advise the Court whether his state appeal is pending. On September 12, 2016, Petitioner filed a response advising the Court that his appeal to the Oregon Court of Appeals is no longer pending and he did not seek review by the Oregon Supreme Court. Additionally, Petitioner filed a motion for summary judgment and for the appointment of counsel.

Based on the fact that Petitioner's state appeal (CA No. A158412) is no longer pending, and after review of Petitioner's filings, this Court concludes that the interests of justice warrant the appointment of counsel. Accordingly, Petitioner's Motion for Appointment of Counsel (ECF No. 23) is GRANTED. The Federal Public Defender, 101 S.W. Main, Suite 1700, Portland, Oregon 97204,

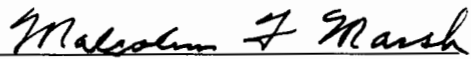
is appointed to represent Petitioner in this proceeding. *See* 18 U.S.C. § 3006A(a)(2)(B). The Clerk is directed to send the Federal Public Defender a copy of the Petition.

IT IS FURTHER ORDERED that Petitioner, with the assistance of counsel, shall file an Amended Habeas Petition setting forth all of his grounds for relief and the facts supporting each ground. The Amended Petition shall be filed within sixty days of the date of this Order.

This Court DENIES Petitioner's Motion for Summary Judgment (ECF No. 21). Upon receipt of Petitioner's Amended Petition, the Court will issue a Scheduling Order requiring Respondent to address the allegations of Petitioner's Amended Petition.

IT IS SO ORDERED.

DATED this 31 day of October, 2016.


Malcolm F. Marsh
United States District Judge